



INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-827]

CERTAIN PORTABLE COMMUNICATION DEVICES

INSTITUTION OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 2, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Digitude Innovations LLC of Alexandria, Virginia. An amended complaint was filed on December 16, 2011. The amended complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable communication devices by reason of infringement of certain claims of U.S. Patent No. 5,926,636 (“the ‘636 patent”); U.S. Patent No. 5,929,655 (“the ‘655 patent”); U.S. Patent No. 6,208,879 (“the ‘879 patent”); and U.S. Patent No. 6,456,841 (“the ‘841 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal

on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2011).

SCOPE OF INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on January 12, 2012, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain portable communication devices that infringe one or more of claims 7-13 and 15 of the '636 patent; claims 1-9 and 17-25 of the '655 patent; claims 1-8 and 14-20 of the '879 patent; and claims 1-5 of the '841 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Digitide Innovations LLC

601 King Street, Suite 404

Alexandria, VA 22314

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Research In Motion Ltd.

295 Phillip Street

Waterloo, Ontario N2L 3W8

Canada

Research In Motion Corp.

122 W. John Carpenter Parkway

Suite 430

Irving, TX 75039-2013

HTC Corporation

23 Xinghua Road

Taoyuan, 330

Taiwan

HTC America, Inc.

13920 SE Eastgate Way

Suite 400

Bellevue, WA 98005

LG Electronics, Inc.

LG Twin Towers

20, Yoido-dong, Youngdungpo-gu,

Seoul, 157-721

South Korea

LG Electronics U.S.A., Inc.

1000 Sylvan Ave.

Englewood Cliffs, NJ 07632

LG Electronics MobileComm U.S.A, Inc.

10101 Old Grove Road

San Diego, CA 92131

Motorola Mobility Holdings, Inc.

600 N. U.S. Highway 45

Libertyville, IL 60048

Samsung Electronics Co., Ltd

1320-10, Seocho 2-dong Seocho-gu

Seoul, 137-857

South Korea

Samsung Electronics America, Inc.

105 Challenger Rd.

Ridgefield Park, NJ 07660

Samsung Telecommunications America, LLC

1301 East Lookout Drive

Richardson, TX 75082

Sony Corporation

1-7-1 Konan

Minato-ku,

Tokyo 108-0075

Japan

Sony Corporation of America

550 Madison Avenue

New York, NY 10022-3211

Sony Electronics, Inc.

16530 Via Esprillo

San Diego, CA 92127

Sony Ericsson Mobile

Communications AB

Nya Vattentorget

Lund, 221 88

Sweden

Sony Ericsson Mobile

Communications (USA) Inc.

7001 Development Drive

Research Triangle Park, NC 27709

Amazon.com, Inc.

410 Terry Avenue North

Seattle, WA 98109-5210

Nokia Corporation

Keilalahdentie 4

P.O. Box 226, FI-00045

Nokia Group

Espoo

Finland

Nokia Inc.

6000 Connection Drive # MD2-2210

Irving, TX 75039

Pantech & Curitel Communication, Inc.

Peungwha Seocho Building, 1451-34

Seocho-Go

Seoul 137-070

South Korea

Pantech Wireless, Inc.

5607 Glenridge Drive NE, Suite 500

Atlanta, GA 30342-7200

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

James R. Holbein

Secretary to the Commission

Issued: January 13, 2012

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